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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/543,131

07/22/2005

Timothy G Hornberger

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

NOTIFICATION DATE

DELIVERY MODE

11/28/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

## Office Action Summary

Application No.

10/543,131

Applicant(s)

HORNBERGER, TIMOTHY G

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14, 16, 17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This is the second office action for application number 10/543,131, Pound-In  
Glide for an Article of Furniture, filed on July 22, 2005.

### ***Drawings***

The drawings were received on September 10, 2007. These drawings are  
partially acceptable.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)  
because reference character "120" has been used to designate both a slot in Fig. 4 and  
a tab in Fig. 6. Reference number "120" does not appear to be referring to a tab in Fig.  
4 but rather a slot in body 40 as indicated by claim 7. Corrected drawing sheets in  
compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid  
abandonment of the application. Any amended replacement drawing sheet should  
include all of the figures appearing on the immediate prior version of the sheet, even if  
only one figure is being amended. Each drawing sheet submitted after the filing date of  
an application must be labeled in the top margin as either "Replacement Sheet" or "New  
Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,  
the applicant will be notified and informed of any required corrective action in the next  
Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the first and second slots, cited in the  
claimed subject matter are not identified in the drawings by a reference character.  
Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to  
the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: one or more slots cited in claim 7, lines 15-16 and in claim 20, lines 19-20; and a first slot and second slot cited in claim 14 in line 20.

### ***Claim Objections***

Claims 1, 2, 6, 7, 10, and 20 are objected to because of the following informalities: in claim 1, lines 14 and 20-21, "the article of furniture" should be changed

to --the furniture support member--; in claim 2, "passage" in line 5 should be changed to --passages--; in claim 6, "an aligned" should be changed to --alignment with--; in claim 7, line 10, "drive" should be deleted; in claim 10, line 6, --the-- or --said-- should be inserted before "lower"; and in claim 20, line 15, "collapsed" should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-8, 10-14, 16, 17, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the edge of the opening" in lines 14 and 20. There is insufficient antecedent basis for this limitation in the claim. Note the original recitation is cited as "an opening defined by an edge" this is not the same limitation as "the edge of the opening," It appears based on the drawings that the original recitation should be cited as --an opening having an edge--, since the boss sections actually engage the edge of the opening and since the lower portion of the furniture support member is arcuate and rounded objects typically do not define an edge on the circumferential surface.

Claim 1 recites the limitation "the passage of the body" bridging lines 17 and 18. There is insufficient antecedent basis for this limitation in the claim. The original recitation is cited as "a plurality of spaced apart collapsible mounting boss sections that define and axial passage therebetween," in lines 11-12 of the claim. Note the

specification and the drawings cite that the body has a passage (90) and the boss sections have a passage (80) and even though the passages are coaxial, the passages are indicated as being separate elements of the glide.

Claim 1 recites the limitation "the body member" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitations "the passage of the body" in line 8, "the edge of the opening" in line 11, and "the body member" in line 11. There is insufficient antecedent basis for these limitations in the claim.

Claim 10 recites the limitation "the edge of the opening" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitations "the body" in lines 9, 12, 13, 14-15, 20, and 21, and "the spaces" in line 16. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitation "the passage defined by the body and the boss sections" bridging lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitations "the one or more tubular legs" in line 4, "the mounting boss sections" in line 14 (original recitation cited as a plurality of spaced apart boss sections) and "the edge of the opening" in line 16. There is insufficient antecedent basis for these limitations in the claim.

***Allowable Subject Matter***

Claims 1, 7, 10, 14, and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-6, 8, 11-13, 16, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anita M. King  
Primary Examiner  
Art Unit 3632

November 15, 2007